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FEB 27 2009

**OFFICE OF PETITIONS**

In re Application of	:	
David P. <b>YACH, et al.</b>	:	
Application No. 10/775,817	:	DECISION ON PETITION
Filed: February 10, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 1578.115(11428-4-US-PAT)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 20, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 21, 2007.

37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the above-identified application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. Since the application is not a utility or plant application filed before June 8, 1995, a terminal disclaimer is not required. Accordingly, the terminal disclaimer filed with the instant petition is unnecessary. Therefore, the fee of will be refunded to petitioner in due course.

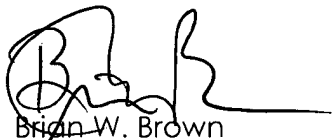
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1540; and (3) an adequate statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case,

although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2166 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read 'Brian W. Brown', with a stylized, cursive script.

Brian W. Brown  
Petitions Examiner  
Office of Petitions


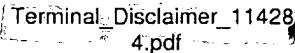
cc: **SCHEEF & STONE, LLP**  
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**DALLAS, TX 75225**

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	3243426
<b>Application Number:</b>	10775817
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8167
<b>Title of Invention:</b>	Apparatus, and associated method, for locking and identifying a change list used pursuant to database synchronization operations in a radio communication system
<b>First Named Inventor/Applicant Name:</b>	David Paul Yach
<b>Customer Number:</b>	44208
<b>Filer:</b>	Robert H. Kelly./Lilis Pramasurja
<b>Filer Authorized By:</b>	Robert H. Kelly.
<b>Attorney Docket Number:</b>	1578.115 (11428-4-US-PAT)
<b>Receipt Date:</b>	01-MAY-2008
<b>Filing Date:</b>	10-FEB-2004
<b>Time Stamp:</b>	19:43:45
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes	
Payment Type	Deposit Account	Adjustment date: 02/27/2009 CKH LOK 05/02/2008 INTEFSW 00003632 502032 10775817 02 FC:1814 130.00 CR
Payment was successfully received in RAM	\$2480	
RAM confirmation Number	3632	
Deposit Account	502032	
Authorized User		
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)</p>		

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for review by the Office of Petitions.	Petition_37CFR1137b_11428-4.pdf	117424	no	2
			05c5c75b9a617c2453c6246b6626b1488191c026		
Warnings:					
Information:					
2			65990	no	1
			acadc51c5ea018b1920719028081229e5a0ea045		
Warnings:					
Information:					
3		ROA_20July2007_11428-4.pdf	110463	yes	7
			b88cf30c187005fdb404fec9643cbd804761190		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	7	
Warnings:					
Information:					
4	Request for Continued Examination (RCE)	RCE_11428-4.pdf	701747	no	3
			c12d63ea556aec949bf3020851cbc43437716709		
Warnings:					
Information:					
5	Fee Worksheet (PTO-06)	fee-info.pdf	8555	no	2
			34c1039d9a12f2b41aa46a08b31d67f117669ca		
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Total Files Size (in bytes):			1004179		

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REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>02/24/09</u>		2 Serial/Patent # <u>10/775,817</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
	Filing			\$								
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		8 TO BE REFUNDED BY:										
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10 REASON:		X	Credit Deposit A/C #:									
	Overpayment	9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; text-align: center;">5</td><td style="width: 20px; text-align: center;">0</td><td style="width: 20px; text-align: center;">--</td><td style="width: 20px; text-align: center;">2</td><td style="width: 20px; text-align: center;">0</td><td style="width: 20px; text-align: center;">3</td><td style="width: 20px; text-align: center;">2</td></tr></table>				5	0	--	2	0	3	2
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11 REFUND REQUESTED BY:												
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SIGNATURE: <u>/Monica A. Graves/</u>		PHONE: <u>(571) 272-7253</u>										
OFFICE: <u>Office of Petitions</u>												
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